



N.C. Department of Environment and Natural Resources

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Contact: Drew Elliot
Phone: 919-260-2717

State regulators outline action on coal ash ponds

RALEIGH - The N.C. Department of Environment and Natural Resources announced today the creation of a coal ash pond task force within the department to review the facilities in North Carolina to prevent any further unpermitted release of coal ash or ash pond water.

Monday, the state environmental agency asked the judge presiding over the department's proposed settlement of two of the state's lawsuits against Duke Energy for unpermitted discharges to postpone his consideration of the settlement in light of the recent event at the Duke Energy plant near Eden.

"We will continue using all available resources, including the knowledge we have gained during our environmental assessment and investigation into the spill of coal ash into the Dan River," said DENR secretary John Skvarla. "We were already addressing coal ash ponds through our multiple lawsuits against Duke Energy and we will continue on that course once we have an updated assessment of the situation statewide."

Skvarla is creating the multidisciplinary task force to assess all coal ash ponds in the state over the coming months using the knowledge gained from the investigation of the failure of a stormwater pipe beneath an ash pond at Duke Energy Carolina's Dan River steam station. The task force will include experts in the areas of water resources, dam safety and solid waste management.

The task force will be separate from the state's ongoing review and decisions regarding appropriate enforcement actions against Duke Energy related to the spill. Duke Energy initially estimated that the failure caused the release of between 50,000 and 82,000 tons of ash to the Dan River. The company also estimated that between 24 and 27 million gallons of water that was in the basin reached the river.

The state filed lawsuits for injunctive relief in 2013 against Duke Energy for claims related to the discharge of wastewater from coal ash impoundments. The lawsuits seek a court order to require the utility to address groundwater and wastewater violations at multiple sites. In July the state proposed a consent order with the utility regarding the utility's coal ash impoundments in Asheville and Gaston County. It is on this consent order that the department has asked the judge to postpone action.

"This experience may cause us to reevaluate the proposed consent order, including the prioritization of the locations involved," Skvarla said. "We must ensure that these ash ponds do not pose a threat to the citizens of North Carolina or the environment."

DENR's actions represent the first time in state history an administration has filed a lawsuit to address unpermitted discharges from coal ash ponds. The ponds exist at a total of 14 coal-fired power plants across North Carolina. At the federal level, the EPA has announced that it will issue a rule concerning coal ash regulations by December.

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Jamie Kritzer, Public Information Officer
Phone: (919) 707-8602

<http://www.facebook.com/ncdenr>

1601 Mail Service Center, Raleigh, NC 27699-1601
www.ncdenr.gov

Jamie.Kritzer@ncdenr.gov

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